

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C. BHARUKA

WRIT PETITION No.13285 OF 1998

BETWEEN:

Mohammed Moinur Rashid,  
s/o Haroon Rashid, r/a  
Barline Mosque, Kolar,  
Karnataka State.

..PETITIONER

(By Sri K.Manohar, Adv.)

AND:

1. State of Karnataka,  
represented by its Secretary,  
Education Department,  
M.S.Building,  
Bangalore-1.
2. The Deputy Director of Public  
Instructions, Kolar District,  
Kolar.
3. Joint Commissioner for  
Public Instructions, Bangalore  
Division, Central Junior College,  
K.G. Road, Bangalore-560 009
4. Commissioner for Public Instructions  
in Karnataka, Nrupathunga Road,  
Bangalore-1.
5. Principal, Pre-University  
College, Kolar.

..RESPONDENTS

Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents 1 to 5 or any of them to appoint the petitioner in the post of Urdu Moulvi Teacher Grade II in the College of R-5.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

ORDER

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According to the petitioner, the post of Arabic Moulvi in the Government Pre-University College at Kolar is lying vacant and he is most suited for the said post, and <sup>assertion</sup> ~~with~~ the said ~~pleading~~ he has approached this Court for issue of a writ of mandamus to respondents 1 to 5 for appointing him to the said post.

2. In my opinion, even if the petitioner has the requisite educational qualification for appointment to the said post, the same has to be filled up by inviting applications through advertisement ~~of the post~~ from all eligible candidates. Accordingly, the writ petition is disposed of with an observation that as and when the post is advertised for being filled up, the petitioner may make his application for the same <sup>and entitled</sup> ~~and if on merits~~ <sup>assessment of comparative</sup> he is found to be eligible for appointment, then the authorities shall consider the same and pass appropriate orders.

Subject to the said observation, the writ petition is dismissed.

Sd/-  
JUDGE

